

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES MICHAEL PAPA ZIAN,

Petitioner,

v.

B.M. TRATE,

Respondent.

1:24-cv-00392-HBK (HC)

ORDER DENYING MOTION TO STAY

(Doc. No. 35)

ORDER GRANTING EXTENSION OF TIME

Petitioner, a federal prisoner proceeding pro se and *in forma pauperis* in this habeas corpus action under 28 U.S.C. § 2241 filed a motion to stay the proceedings on February 24, 2025. (Doc. No. 35). Petitioner requests request that his case be stayed for ninety days because he is being moved to a different penitentiary and he estimates it will take a “month or two” for his property to be delivered after his arrival. (*Id.*).

Petitioner filed his Second Amended Petition on November 25, 2025. (Doc. No. 29). Respondent filed a Motion to Dismiss on February 18, 2025. (Doc. No. 33, “Motion”). On February 21, 2025, Petitioner was granted an extension of time to April 4, 2025 to file a response to the Motion. (Doc. No. 34). In the instant motion, Petitioner seeks to stay the case for 90 days. (Doc. No. 35). However, Petitioner fails to assert any legally cognizable basis to necessitate

1 staying this case. Instead, for good cause shown, the Court will grant Respondent a further  
2 extension of time to respond to Respondent's Motion to Dismiss. Fed. R. Civ. P. 6(b)(1)(A); *See*  
3 *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (instructing federal courts to liberally construe  
4 the "inartful pleading[s] of pro se litigants.").

5 Accordingly, it is **ORDERED**:

- 6 1. Petitioner's Motion to Stay (Doc. No. 35) is DENIED, as unnecessary.
- 7 2. Petitioner shall deliver a response to Respondent's Motion to dismiss to correctional  
8 officials for mailing **no later than May 21, 2025**.

9  
10 Dated: March 6, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE